

Patent
Case Docket No.: 45565

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Sung-jin PARK et al. : Group Art Unit: 2133
Serial No.: 10/634,746 : Examiner: Fritz Alphonse
Filed: August 6, 2003 : Confirmation No.: 7861
For: TURBO DECODING :
APPARATUS :
AND METHOD :
:

Mail Stop: Issue Fee
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Sir:

This is in response to the Notice of Abandonment mailed October 6, 2008 in the above application. Petitioner respectfully requests withdrawal of the holding of abandonment under 37 C.F.R. § 1.181 and acceptance of attached corrected drawings, the replacement sheets for Figures 1, 2, 3, 4A, 4B, 5A, 5B, 6 and 7.

Petitioner thanks Special Programs Examiner Vincent Trans for the detailed conversation with Petitioner on October 24, 2008. Petitioner herewith presents evidence of why this petition should be granted.

Firstly, in the Notice of Allowance and Fees(s) Due dated June 13, 2008, contrary to MPEP 608.02(p) Correction of Drawings, there is no Form paragraph 6.47, as required by the MPEP, which states:

¶ 6.47 Examiner's Amendment Involving Drawing Changes

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: [1]. In order to avoid abandonment of the application, applicant must make these agreed upon drawing changes.

Examiner Note

1. In bracket 1, insert the agreed upon drawing changes.
2. Form paragraphs 6.39 and 6.40 should follow, as appropriate.

Form paragraphs 6.39 and 6.40, were also not included in the Notice of Allowance and Fees(s) Due dated June 13, 2008.

Secondly, on page two of the Notice of Allowance and Fees(s) Due, the Examiner stated:

“The Application has been amended as follows:

Abstract:

line 3: Please delete “Disclosed is” and insert ---This invention relates to---.

Figure:

Please insert ---Prior Art--- in figures: 1, 2, 3, 4A, 4B, 5A, 5B, 6 and 7.”

Accordingly, Petitioner's office inadvertently paid the issue and publication fees without submitting corrected drawings, believing that the drawing corrections were to be handled by the U.S.P.T.O., in the same manner as the correction of the Abstract, in accord with the literal meaning of the Examiner's statements above.

Thirdly, Petitioner was not informed that the USPTO no longer makes drawing changes, since Form paragraph 6.39 was missing in the Notice of Allowance and Issue Fee(s) Due, contrary to the requirements of MPEP 608.02(p).

Form paragraph 6.39 states:

¶ 6.39 USPTO No Longer Makes Drawing Changes

The United States Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below.

Fourthly, Form paragraph 6.40 detailing how to effect drawing changes is also missing in the Notice of Allowance and Issue Fee(s) Due and the time for submission, also contrary to the requirements of MPEP 608.02(p).

Conclusion

In view of the above, Petitioner respectfully requests the granting of the present petition to withdraw holding of abandonment under 37 C.F.R. § 1.181, acceptance of the attached drawing corrections, and prompt issuance of the present application.

The issue fee and publication fees were timely paid on September 3, 2008 and therefore no fee is believed to be presently due, and no petition fee is due under 37 C.F.R. § 1.181.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper to Deposit Account No. 18-2220.

Respectfully submitted,

Date: November 14, 2008



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